

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

PATRICK L. HUBBARD

PLAINTIFF

V.

CIVIL ACTION NO. 4:21-CV-00002-GHD-JMV

SHERIFF ROLANDO FAIR, et al.

DEFENDANTS

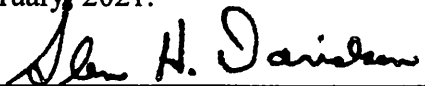
ORDER DENYING PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

This matter comes before the Court upon Plaintiff's motion for a preliminary injunction. Doc. # 11. In the instant motion, Plaintiff complains generally of retaliation and harassment, and further argues that the state prosecution against him has been unfairly handled. *Id.* at 1. By way of relief, Plaintiff asks the Court to stop Defendants from violating his civil rights and order that he be released from custody. *Id.* at 4.

A party seeking injunctive relief must prove four elements: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the injunction is not issued; (3) that the threatened injury to the movant outweighs any harm that the injunction will cause the non-movant; and (4) that the injunction is in the public interest. *Women's Med. Ctr. Of Nw. Houston v. Bell*, 248 F.3d 411, 419 n. 15 (5th Cir. 2001); *DSC Communications Corp. v. DGI Technologies, Inc.*, 81 F.3d 597, 600 (5th Cir. 1996). An injunction is an extraordinary remedy that is "not to be granted routinely, but only when the movant, by a clear showing, carries [the] burden of persuasion." *Black Fire Fighters Ass'n v. City of Dallas*, 905 F.2d 63, 65 (5th Cir. 1990) (citation omitted); *see also Lewis v. S.S. Baune*, 534 F.2d 1115, 1121 (5th Cir. 1976) ("injunction is an extraordinary remedy and should not issue except upon a clear showing of possible irreparable injury").

Upon due consideration, the Court finds that a denial of injunctive relief will not cause Plaintiff irreparable injury. Rather, the Court finds that the ordinary judicial process is sufficient to remedy any injuries Plaintiff has suffered or might suffer as a result of Defendants' alleged actions. Moreover, the Court notes that the *Spears* hearing in the matter has not yet been held and, consequently, Plaintiff cannot show a substantial likelihood of success on the merits at this time. Accordingly, Plaintiff's motion [11] for a preliminary injunction is hereby **DENIED**.

SO ORDERED, this the 9th day of February, 2021.



UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI